

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

OLLEN G. COLBERT, JR.,

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Plaintiff,

*

Case No.: C-1-00-909

vs.

*

Judge Susan Dlott

**CINCINNATI GAS AND ELECTRIC
CO.,**

*

Magistrate Timothy Hogan

*

and

*

**INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS,
LOCAL 1347,**

*

*

Defendants.

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**DEFENDANT INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS LOCAL 1347'S LIMITED OBJECTION TO
PLAINTIFF'S MOTION FOR EXTENSION OF TIME**

Defendant, International Brotherhood of Electrical Workers, Local 1347 (Local 1347), by and through counsel, hereby objects to an extension of discovery without a like extension of the dispositive motion deadline and an extension of the trial date. Defendant Local 1347 also objects to any further paper discovery in this case.

Although the undersigned counsel was not privy to all of the discussions, e-mails, and correspondence between Plaintiff's counsel and Defendant CG&E's counsel, Local 1347 supports the reasons for Defendant CG&E's objections to Plaintiff's Motion for Extension of Time. In particular, Local 1347 concurs with Defendant CG&E's position that summary judgment herein is substantially viable and seeks the opportunity to present such a motion and have it considered well in advance of trial. Defendant Local 1347 also concurs with Defendant

CG&E's reasons for denying Plaintiff's recent requests for paper discovery in that Plaintiff has had sufficient time to make such requests and failed to do so.

Accordingly, based on the above, Defendant Local 1347 requests that Plaintiff's Motion for Extension of Time be denied other than to allow for a limited extension of discovery for the purpose of Plaintiff taking the deposition of Mr. Donald Bricking only, providing that a like extension of the dispositive motion deadline to thirty (30) days after the deposition has been taken be granted and also providing that an extension of the trial date to at least May, 2005 be granted to ensure sufficient time to consider such motions.

Respectfully submitted:

SNYDER, RAKAY & SPICER

By: /s/ Jerry A. Spicer
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Substitution of Counsel was electronically filed this 5th day of February, 2004, and will therefore be electronically mailed to:

Ariane Schalwig Johnson ariane.johnson@cinergy.com, Attorney for Defendant
Cincinnati Gas & Electric Company, and
Rose Ann Flemming flemming@xzvier.edu, Attorney for Plaintiff

/s/ Jerry A. Spicer
Jerry A. Spicer